

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JULY 28, 1998
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:06 a.m. Mayor Golding recessed the meeting at 10:22 p.m. to convene the Special Joint Meeting of the City Council with the Redevelopment Agency, and the Redevelopment Agency Meeting; thereafter to convene as the Housing Agency.

At 10:25 a.m. Mayor Golding reconvened the regular City Council Meeting with all members present.

The meeting was recessed by Mayor Golding at 12:02 p.m. to reconvene at 2:00 p.m.

Mayor Golding reconvened the regular meeting at 2:20 p.m. with all Council Members present. Mayor Golding adjourned the meeting at 3:53 p.m. into Closed Session immediately following the meeting, in the twelfth floor conference room, to discuss existing and anticipated litigation matters, and property acquisition matters pertaining to the San Diego Padres.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present

- (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-present
 - (8) Council Member Vargas-present
- Clerk-Abdelnour/Fishkin (ms/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Daniel Beeman that he is personally offended because he waited four hours to speak on an item in the City Council Meeting on Monday and within ten minutes of the time he left the item was called. He also asked

for 30 seconds of silence for the US 500 fans that were recently killed.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A006-026.)

ITEM-PC-2:

Comment by Anne Curo regarding law enforcement and the homeless. She said the amount the City was paying on a daily basis to monitor the homeless protest was about the same as the cost to provide a shelter for the homeless.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A028-044.)

ITEM-PC-3:

Comment by Forrest Curo regarding the need for emergency sleeping and storage space for the homeless. He said the homeless still need a safe legal place to go and he thinks it would be in the best interest of everyone if this were possible.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A045-055.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Stevens commented that a great deal of City staff time is wasted when people fill out speaker slips on City Council items, preventing the items from be taken on consent, and then leave before the item is called. He said it would be helpful if they notify the City Clerk that they are leaving.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A063-075.)

ITEM-CC-2:

Council Member Mathis commented that if a person wishes to speak on a City Council docket item that it is necessary to come down and wait for the item to be taken in order, and in some cases that might include waiting a considerable amount of time. If the person leaves before the item is called they will lose the opportunity to testify, but that is their choice.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A076-087.)

ITEM-330:

SUBJECT: Fiscal Year 1999 Annual Appropriation Ordinance.

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-99-1) INTRODUCED AND ADOPTED AS ORDINANCE O-18551
(New Series)

Introduction and adoption of an ordinance adopting the
Annual Budget for the Fiscal Year 1998-99 and
appropriating the necessary money to operate the City
of San Diego for said fiscal year.

NOTE: See Item 201 on the docket of Monday, July 27, 1998,
for the first public hearing. Today's action is the second
public hearing and the introduction and adoption of the
ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO INTRODUCE, DISPENSE WITH THE
READING, AND ADOPT THE ORDINANCE. Second by Warden. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-nay,
Stevens-yea, Warden-yea, Stallings-nay, McCarty-nay,
Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Matter of: 1) an amendment to the North City Future
Urbanizing Area (NCFUA) Framework Plan to incorporate
the Pacific Highlands Ranch Subarea Plan for Subarea
III; 2) an amendment to the City of San Diego Progress
Guide and General Plan; 3) a Master Rezone; 4) an
amendment to the City's Local Coastal Program; 5) an
amendment to the Official Phase Development Map in the
Progress Guide and General Plan contingent upon an

affirmative vote of the People at the Municipal Election to be held November 3, 1998, 6) a Multiple Habitat Planning Area Boundary Adjustment; 7) purchase agreements to secure availability of public facility sites in Subarea III; and 8) a Development Agreement all in furtherance of developing a transit oriented development community of 4,974 residential units, with a potential increase up to 5,456 units. (Pacific Highlands Ranch.)

(See City Manager Report P98-131. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinances in Subitems C, F and G; introduce and adopt the ordinance in Subitem D; consider Subitem E:

Subitem-A: (R-99-123) ADOPTED AS RESOLUTION R-290520

Adoption of a Resolution certifying that the information contained in LDR-96-7918 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Master Environmental Impact Report has been reviewed and considered prior to approving the project.

Subitem-B: (R-99-124 Cor.Copy 7/24/98) ADOPTED AS
RESOLUTION R-290521

Adoption of a Resolution approving the proposed amendment to the Phased Development Areas Map of the Progress Guide and General Plan to change the designation of the 2,102-acre portion of Subarea III in the North City Future Urbanizing Area to Planned Urbanizing, and approving the Pacific Highlands Ranch

Subarea III as an amendment to the Progress Guide and General Plan, the Local Coastal Program, and the NCFUA Framework Plan.

Subitem-C: (O-99-14) INTRODUCED AS AMENDED, TO BE
ADOPTED ON TUESDAY, SEPTEMBER
8, 1998

Introduction of an Ordinance directing the City Manager to execute Purchase Agreements with the applicant for the acquisition of public facility sites for two neighborhood parks, a portion of a community park, a fire station, and a branch library as designated in the Draft Pacific Highlands Ranch Subarea Plan.

NOTE: Approval of the Purchase Agreements requires 2/3 vote of Council pursuant to City Charter Section 99.

Subitem-D: (O-99-4) CONTINUED TO TUESDAY,
AUGUST 4, 1998

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition conditionally amending the official Phased Development Map in the City's Progress Guide and General Plan within Subarea III in the North City Future Urbanizing Area to change the designation of the 2,102 acre portion of Pacific Highlands Ranch from "Future Urbanizing" to "Planned Urbanizing."

Subitem-E: CONTINUED TO TUESDAY, AUGUST 4, 1998

In the matter of Council direction regarding authorship of the ballot argument.

Subitem-F: (O-99-22) INTRODUCED AS AMENDED, TO BE
ADOPTED ON TUESDAY, SEPTEMBER 8,
1998

Introduction of an Ordinance approving the Master
Rezone for Pacific Highlands Ranch - Subarea III in the
North City Future Urbanizing Area.

Subitem-G: (O-99-23) INTRODUCED, WITH AMENDMENT TO
DEVELOPMENT AGREEMENT; TO BE
ADOPTED ON TUESDAY, SEPTEMBER 8,
1998

Introduction of an Ordinance approving the Development
Agreement for Pacific Highlands Ranch with the
applicant.

OTHER RECOMMENDATIONS:

The Planning Commission serves as the Community Planning Group
for the NCFUA pursuant to Council Policy 600-5. On June 25,
1998, the Planning Commission unanimously voted to approve the
Pacific Highlands Ranch Subarea Plan for Subarea III and the
associated actions.

SUPPORTING INFORMATION:

The project consists of the following:

1. A Subarea Plan for Pacific Highlands Ranch - Subarea III of
the North City Future Urbanizing Area (NCFUA). The Plan proposes
to develop 4,974 residential units (with a potential increase up
to 5,456 units depending on the need for school facilities
and redesignation of school sites to residential uses); a Town
Center with commercial, parks, open space, residential and civic
area components; elementary, junior high, and high schools; a
fire station, library and associated public facilities; and
transportation network.
2. An amendment to the North City Future Urbanizing Area
Framework Plan to reflect revised land use designations,
distribution of land uses, road system, facilities, and

development and open space areas as proposed in the Subarea III Plan.

3. A master rezone from A-1-10 to various zones that would implement the Pacific Highlands Ranch Land Use Plan (see note below).

4. An amendment to the Local Coastal Program (LCP) for Subarea III within the boundary of the coastal zone. If adopted by the City Council, the Proposed LCP amendment must be submitted to the California Coastal Commission for review and certification. The LCP amendment will not become effective until after approval by the California Coastal Commission.

5. An amendment to the Progress Guide and General Plan - Phased Development Areas Map to change the designation of a 2,102-acre area within the Pacific Highlands Ranch Subarea Plan for Subarea III in the North City Future Urbanizing Area from Future Urbanizing to Planned Urbanizing contingent upon an affirmative vote of the People at the Municipal Election to be held November 3, 1998.

6. Amendments to the Multiple Habitat Planning Area (MHPA) Boundary for purposes of adjusting the boundary lines.

7. Purchase agreements between the City and Applicant to secure availability of public facility sites in Subarea III.

8. A Development Agreement in accordance with California State Law.

The proposed amendments and purchase agreements are available for review at Community Planning and Development Department on the fourth (4th) floor of the City Administration Building, 202 "C" Street, San Diego. To make an appointment, or for more information, please contact Cathy Winterrowd at (619) 236-7065.

This project is located in the Coastal Zone, therefore the City Council's decision requires amending the City's Local Coastal Program. As a result, the final decision on this project will be

with the California Coastal Commission. The City of San Diego must submit this as an amendment for certification to the Coastal Commission. The amendment is not effective in the Coastal Zone until the Coastal Commission unconditionally certifies the amendment. If you wish to be noticed of the Coastal Commission hearing on this issue, you must submit a request in writing to the Community & Economic Development Department, Attn: (Cathy Winterrowd, 202 "C" Street, 4th Floor San Diego, CA 92101) before the close of the City Council public hearing.

NOTE: Pursuant to Resolution No. R-274498, adopted on October 3, 1989, the Planning Director is authorized and directed to transmit to the California Coastal Commission all amendments to the City's Local Coastal Program which have been adopted by the City Council.

The project also includes Purchase Agreements for the acquisition of public facility sites for two neighborhood parks, a portion of a community park, a fire station, and a branch library as designated in the Draft Pacific Highlands Ranch Subarea Plan for Subarea III of the North City Future Urbanizing Area. The decision of the City Council will require a two-thirds vote as required by the City of San Diego Charter Section 99 because these purchase agreements are expected to be in effect for more than five years.

The proposed purchase agreements are available for review at Community Planning and Development Department on the fourth (4th) floor of the City Administration Building, 202 "C" Street, San Diego. To make an appointment, or for more information, please contact Cathy Winterrowd at (619) 236-7065.

FILE LOCATION: SUBITEMS A-B: LAND-Progress Guide and
General Plan; Pacific Highlands Ranch,
Subarea III; SUBITEMS C-G: NONE

COUNCIL ACTION: (Tape location: A188-C337; D007-374.)

Hearing began at 10:25 a.m. and recessed at 12:02 p.m.

Testimony in opposition by Mike McDade, Opal Trueblood, Alice Goodkind, Daniel Beeman, Beatrice Beck, Tom Hohman, Scott Harvey, Robert Barczewski, Lee Crueger, Louis Goebel, Jan Mondragon, Lois Means, Alex Landon, Mark Tamsen, M.D., Lynn Slight, Silvia Tamsen, and Karin Forney.

Testimony in favor by Mike Madigan, Randi Cooper Smith, Joel King, Bob Christopher, Kathy Tanner, Debbie Collins, Jim Brown, Mike Kelly, Michael Beck, Lisa Ross, Isabelle Kay, Anne Harvey, Jan Fuchs, Paul Blackburn, Jeanette Walz, Allison Rolfe, Matt Adams, and Rick Smith.

Hearing resumed at 2:21 p.m. and halted at 2:49 p.m.

MOTION BY MATHIS TO ADOPT ITEM 331, APPROVING THE RESOLUTIONS FOR SUBITEMS A AND B, AND INTRODUCING THE ORDINANCES FOR SUBITEMS C AND G WITH THE AMENDMENT TO APPROVE THE RECOMMENDATIONS OF THE ASSISTANT CITY MANAGER AS STATED IN HER MEMORANDUM TO THE MAYOR AND COUNCIL DATED JULY 27, 1998 AS FOLLOWS:

1. PAGE 36, 1ST PARAGRAPH, LAST SENTENCE, REVISE AS FOLLOWS:

WITHIN SUBAREA III, THE 100 FOOT-WIDE LANDSCAPE BUFFERS, MEASURED FROM THE OUTSIDE EDGE OF PAVEMENT, EXCLUSIVE OF ON AND OFF-RAMPS, SHALL BE PROVIDED.

2. PAGE 58, ADD NEW SECTION 6.7 TRANSIT, AS FOLLOWS, AND RENUMBER EXISTING 6.7 THROUGH 6.10, TO 6.8 THROUGH 6.11:

THE SUBAREA PLAN APPLICANT WILL WORK WITH THE METROPOLITAN TRANSIT DEVELOPMENT BOARD (MTDB) TO DEVELOP A MUTUALLY AGREEABLE TRANSIT SERVICE AND FINANCING PLAN.

IN ADDITION TO THE ADDENDUM DISTRIBUTED BY THE CITY MANAGER, DATED JULY 27, 1998, APPROVE THE ADDITIONAL REVISIONS, WHICH MODIFIES SUBAREA G, OF THE DEVELOPMENT AGREEMENT AS RECOMMENDED IN ATTACHMENT 1 (GREEN SHEET) OF THE ASSISTANT CITY MANAGER'S MEMORANDUM TO THE MAYOR AND COUNCIL DATED JULY 27, 1998, ENTITLED "CITY MANAGER SUPPORTED ALTERNATIVES TO SECTIONS OF THE SUBAREA III, PACIFIC HIGHLANDS RANCH DEVELOPMENT AGREEMENT" AS STATED BELOW:

5.1.1 THIS AGREEMENT IS EFFECTIVE UPON THE EFFECTIVE DATE. IF THE PHASE SHIFT IS SUBSEQUENTLY INVALIDATED OR NULLIFIED FOR ANY REASON, THIS AGREEMENT SHALL TERMINATE AND THE PARTIES SHALL BE RELIEVED OF ANY OBLIGATIONS UNDER THIS AGREEMENT; AND CITY SHALL RECONVEY AND REFUND ANY PROPERTY OR FUNDS RECEIVED AS EXTRAORDINARY BENEFIT UNDER SECTION 5.2 EXCEPT WITH RESPECT TO SECTION 5.2.3, IN WHICH CASE CITY SHALL BE REQUIRED TO REIMBURSE PARDEE FOR THE DIFFERENCE BETWEEN THE PURCHASE PRICE OF \$3,000,000 AND THE FAIR MARKET VALUE AT THE TIME OF ACQUISITION OF THE PROPERTY, PLUS INTEREST AT THE SAME RATE THE CITY EARNS ON POOLED INVESTMENTS ACCRUING FROM THE DATE OF ACQUISITION TO THE DATE OF INVALIDATION OF THE PHASE SHIFT. THE REFUND OF ANY FUNDS RECEIVED SHALL INCLUDE INTEREST ACCRUED IN THE DEPOSIT ACCOUNT FOR THE FUNDS.

5.2.3 NO LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE, PARDEE WILL ENTER INTO A PURCHASE AGREEMENT TO SELL TO CITY A POLICE STATION SITE, WITH A MINIMUM OF 4.0 GROSS (3.5 NET DEVELOPABLE) ACRES IN CARMEL VALLEY, THE SITE TO BE MUTUALLY AGREED UPON, FOR A PURCHASE PRICE OF NOT MORE THAN THREE MILLION DOLLARS. THE TERMS OF THE PURCHASE SHALL BE AS PROVIDED IN ATTACHED EXHIBIT "F."

5.2.6 PARDEE SHALL CONVEY TO CITY, AT NO COST TO CITY, TITLE TO THE MHPA DESIGNATED LAND ON PARDEE'S PARCELS. CONVEYANCES WILL OCCUR IN PHASES AS TENTATIVE SUBDIVISION MAPS AND RELATED ENSUING FINAL MAPS ARE APPROVED. PARDEE SHALL RESTORE 131 ACRES OF DISTURBED HABITAT WITHIN THE MHPA WITHIN THE PARDEE PARCELS. RESTORATION SHALL COMMENCE

SIMULTANEOUSLY WITH THE MASS GRADING OF PARDEE PARCELS. RESTORATION SHALL BE ACCOMPLISHED IN CONFORMANCE WITH THE PACIFIC HIGHLANDS RANCH CONCEPTUAL RESTORATION PLAN (APPENDIX C2 OF MEIR 96-7918/SCH. NO. 97111077). PURSUANT TO NCCP MITIGATION BANK GUIDELINES PARDEE MAY ESTABLISH A MITIGATION BANK FOR THE 131-ACRE RESTORATION AREA. MITIGATION CREDITS WILL BE AVAILABLE FOR SALE AS THE RESTORED HABITAT ACHIEVES THE MINIMUM SUCCESS CRITERIA IDENTIFIED IN THE REVEGETATION PLANS APPROVED CONSISTENT WITH THE CONCEPTUAL RESTORATION PLAN. THE CITY WILL ACCEPT THE FEE TITLE OF PROPERTY INCLUDED IN THE BANK AS THE CREDITS ARE PURCHASED. PARDEE SHALL MAINTAIN AND MANAGE THE WILDLIFE RESOURCES ON ALL PORTIONS OF THE LAND CONTAINED IN THE MITIGATION BANK UNTIL TRANSFERRED IN FEE TITLE TO CITY.

5.2.11 PARDEE SHALL GUARANTEE UP TO \$2,000,000 TO FUND PROJECT REPORTS AND ENVIRONMENTAL DOCUMENTATION FOR UNFINISHED CONNECTORS AT SR-56 AND I-5 AND SR-56 AND I-15. TO ACCOMPLISH THIS, PARDEE SHALL, WITHIN 10 DAYS OF THE EFFECTIVE DATE ESTABLISH AN ESCROW ACCOUNT IN THE AMOUNT OF \$2,000,000 OR PROVIDE SOME ALTERNATIVE FORM OF SECURITY ACCEPTABLE TO THE PUBLIC AGENCIES. INTEREST FROM FUNDS DEPOSITED INTO THE ESCROW ACCOUNT SHALL ACCRUE TO PARDEE. PARDEE SHALL ADVANCE FUNDING UP TO THE \$2,000,000 MAXIMUM TO THE PUBLIC AGENCY RESPONSIBLE FOR PREPARING THE PROJECT REPORT AND ENVIRONMENTAL DOCUMENTATION. PARDEE SHALL PAY THE FUNDS AS COSTS ARE INCURRED. PARDEE SHALL BE ELIGIBLE FOR REIMBURSEMENT FOR THE ADVANCEMENT OF FUNDS FROM FUNDED "TEA 21" FUNDING OR OTHER APPROPRIATE NON-CITY REGIONAL, STATE, OR FEDERAL FUNDING SOURCES.

EXHIBIT "D": INCLUDE COVER PAGE, PAGE 1, INADVERTENTLY OMITTED, WHICH CONTAINS FOOTNOTE REFERENCE RELEVANT TO TRANSPORTATION PHASING PLAN AS FOLLOWS:

APPENDIX "A" - TRANSPORTATION PHASING PLAN

THIS ENCLOSED TRANSPORTATION PHASING PLAN FOR SUBAREA 3 ASSUMES THAT STATE ROUTE 56 WILL BE IMPLEMENTED AS SHOWN IN THIS PFFP. IF STATE ROUTE 56 IMPLEMENTATION IS DELAYED FOR ANY REASON, TRAFFIC THRESHOLDS AND IMPROVEMENTS WILL BE AS SHOWN IN THE ENCLOSED ALTERNATIVE TRANSPORTATION PHASING PLAN FOR SUBAREA 3.

EXHIBIT "F":

4. USE OF PROPERTY. CITY PROPOSES TO USE THE SITE FOR A POLICE SUBSTATION SERVING CARMEL VALLEY [THE SUBSTATION]. IF THE CITY DETERMINES THE PROPERTY MAY NOT BE USED FOR A POLICE SUBSTATION FOR ANY REASON, CITY MAY SELL THE PROPERTY FOR CASH, THE PROCEEDS OF THE SALE TO BE APPLIED TO ANOTHER SITE FOR THE SUBSTATION OR MAY EXCHANGE THE PROPERTY FOR OTHER PROPERTY TO BE USED AS A SITE FOR THE SUBSTATION. IF CITY ELECTS TO SELL THE PROPERTY, PARDEE SHALL HAVE THE RIGHT OF FIRST REFUSAL, AT THE SAME PRICE AS THE BONA FIDE OFFER FOR THE PROPERTY, ON ANY PROPOSED CASH SALE; HOWEVER, PARDEE SHALL NOT HAVE SUCH RIGHT IF THE CITY ELECTS TO EXCHANGE THE PROPERTY. ANY COVENANTS, CONDITIONS AND RESTRICTIONS WHICH APPLY TO THE PROPERTY SHALL APPLY TO PROPERTY IF TRANSFERRED BY CITY TO A THIRD PARTY.

6.1 CLOSING DATE. THE CLOSE OF ESCROW SHALL BE ON OR BEFORE THE SECOND ANNIVERSARY OF THE EFFECTIVE DATE OF THIS AGREEMENT [CLOSING DATE]. "CLOSE OF ESCROW" MEANS THE DATE THE GRANT DEED CONVEYING THE PROPERTY TO BUYER IS RECORDED PURSUANT TO THE AGREEMENT.

APPROVE THE FOLLOWING TWO CHANGES RECOMMENDED BY THE CITY MANAGER WHICH REPRESENTS A NARROWING OF COUNCIL POLICY 600-37 PROVISIONS GOVERNING DEVELOPMENT AGREEMENTS:

3.6.1 OWNER SHALL HOLD CITY, ITS OFFICERS, AGENTS, EMPLOYEES HARMLESS FROM LIABILITY AS FOLLOWS: (I) FOR

DAMAGES, JUST COMPENSATION, RESTITUTION, OR JUDICIAL OR EQUITABLE RELIEF ARISING OUT OF CLAIMS FOR PERSONAL INJURY, AND CLAIMS FOR PROPERTY DAMAGE, WHICH ARISE FROM THE DIRECT OR INDIRECT OPERATIONS OF OWNER, ITS CONTRACTORS, SUBCONTRACTORS, AGENTS OR EMPLOYEES WHICH RELATE TO THE DEVELOPMENT OF OWNER'S PROPERTY OR WHICH ARE RELATED TO PERFORMANCE BY EITHER PARTY OF ITS OBLIGATIONS UNDER SECTION 5.2 OF THIS AGREEMENT; AND (II) FROM AND AGAINST ANY ACTION OR PROCEEDING BROUGHT BY A THIRD PARTY AGAINST THE CITY TO SET ASIDE, CANCEL, VOID OR ANNUL ANY OF THE FOLLOWING DEVELOPMENT APPROVALS GRANTED BY THE CITY IN ADOPTING: THE GENERAL PLAN/Framework Plan and Local Coastal Program AMENDMENTS NECESSARY FOR THE APPROVAL OF THE SUBAREA III PLAN; THE SUBAREA III PLAN; THE REZONING OF THE PARDEE PARCELS; THE MHPA BOUNDARY ADJUSTMENTS OF OWNER'S PROPERTY; THIS DEVELOPMENT AGREEMENT OR THE CITY OBLIGATIONS CONTAINED IN SECTION 5.2 OF THIS AGREEMENT; THE PFFP, INCLUDING THE TRANSPORTATION PHASING PLAN; THE PHASE SHIFT VOTE; DISCRETIONARY PERMITS AND SUBDIVISION MAP(S) FOR OWNER'S PROPERTY; AND THE ENVIRONMENTAL DOCUMENTS REQUIRED BY CEQA FOR SUCH DEVELOPMENT APPROVALS.

4.2.3 THE RIGHT TO REGULATE THE RATE AND AMOUNT OF GROWTH IS NOT ABROGATED BY CITY. CITY RETAINS THE POLICE POWER TO PROVIDE FOR CHANGE IN REGULATIONS, ORDINANCES, POLICIES AND PLANS RELATING TO MORATORIA, BUILDING PERMIT ALLOCATIONS, TIMING AND SEQUENCING OF DEVELOPMENT AND FINANCING AND PROVISION OF ADEQUATE PUBLIC FACILITIES AT THE TIME OF DEVELOPMENT. NO VESTED RIGHTS AS TO ANY REQUIREMENTS IN THIS SECTION 4.2.3 EITHER AS TO EXISTING LAWS OR FUTURE REGULATIONS, ORDINANCES, POLICIES AND PLANS, ARE CONFERRED BY THIS AGREEMENT. IN THE EXERCISE OF ITS POLICE POWER, THE CITY COUNCIL SHALL RECOGNIZE AND CONSIDER THE CIRCUMSTANCES EXISTING AT THE TIME THIS AGREEMENT WAS AUTHORIZED AND SHALL LIMIT ITS EXERCISE OF SUCH POWER TO MATTERS OF PUBLIC HEALTH AND SAFETY. IN ADDITION,

SUCH EXERCISE OF THE POLICE POWER SHALL BE BY 2/3 VOTE OF THE CITY COUNCIL AND SHALL BE CONSISTENT WITH THE PURPOSE AND INTENT OF THE CALIFORNIA DEVELOPMENT AGREEMENT LEGISLATION.

APPROVE THE FOLLOWING LANGUAGE AGREED UPON BY THE SIERRA CLUB AND PARDEE, THE DEVELOPER, FOR A PENDING AGREEMENT:

PRIOR TO TENTATIVE MAP APPROVAL, A WATER QUALITY PROTECTION PLAN WHICH INCLUDES BEST MANAGEMENT PRACTICES FOR URBAN RUNOFF, WILL BE PREPARED BY THE APPLICANT AND REVIEWED BY INTERESTED PARTIES AND APPROVED BY THE CITY.

CONTINUE SUBITEMS D AND E TO AUGUST 4, 1998, TO ALLOW COUNCIL TO TAKE ACTION ON 8A SINCE IT IS AN INTEGRAL PART OF THIS ISSUE. INTRODUCE THE ORDINANCE FOR SUBITEM F WITH THE AMENDMENT THAT MRS. BECK'S PROPERTY REMAIN IN ITS CURRENT ZONE AND NOT BE REZONED AS PART OF THIS ACTION.

APPROVE THE FOLLOWING AMENDMENTS WITH REGARD TO MODIFICATIONS REQUESTED BY DR. TAMSEN IN HIS LETTER TO THE CITY COUNCIL DATED JULY 28, 1998:

1. THE CITY CANNOT GUARANTEE THAT THE FRONT GATED ENTRYWAY OF RANCHO GLENS ESTATES WILL NOT BE RELOCATED, HOWEVER, IF IN THE COURSE OF FINAL DESIGN AND CONSTRUCTION IT SHOULD BE NECESSARY TO RELOCATE THE GATED ENTRYWAY, ANY COST ASSOCIATED IN THE MOVING AND RESTORATION WOULD BE BORNE BY THE CITY.
2. STAFF IS REQUESTED THAT WHEN THE MAP COMES FORWARD, TO CONSIDER THE POSSIBILITY OF REDUCING THE DENSITY OF THAT PORTION OF THE LIN-KASAI PROPERTY THAT IS EAST OF THE FREEWAY FOR A TRANSFER OF SOME OF THAT DEVELOPMENT TO THE PROPERTY TO THE WEST.

DIRECT CITY STAFF TO WORK WITH THE SCHOOL DISTRICT TO IMPLEMENT THE SCHOOL PARK SITE ADJACENT TO RANCHO GLENS

ESTATE IN SUCH A WAY AS TO SHIELD RANCHO GLENS ESTATE FROM
THE IMPACTS ASSOCIATED WITH THE SCHOOL.

IN ADDITION, AS PART OF THIS MOTION, ADOPT ITEM 332.

Second by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: Two actions related to Pacific Highlands Ranch (Subarea
III) Facilities Benefit Assessment (FBA).

(See City Manager Report P98-123; Public Facilities
Financing Plan and FBA, FY99 Draft. Pacific Highlands
Ranch (Subarea III). District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-81) ADOPTED AS RESOLUTION R-290522

Approving the document entitled "Pacific Highlands
Ranch Public Facilities Financing Plan and Facilities
Benefit Assessment, Fiscal Year 1999."

Subitem-B: (R-99-82) ADOPTED AS RESOLUTION R-290523

Designating areas of benefit in Pacific Highlands Ranch
and setting the time and place for holding a public
hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/1/98, LU&H voted 3-0 to approve the City Manager's
recommendation to adopt the Financing Plan and Facilities Benefit

Assessment for FY 1999. (Councilmembers Mathis, Stevens and McCarty voted yea. Councilmembers Stallings and Vargas not present.)

FILE LOCATION: SUBITEMS A-B: STRT - FB-20

COUNCIL ACTION: (Tape location: D007-374.)

MOTION BY MATHIS TO ADOPT ITEM 331, APPROVING THE RESOLUTIONS FOR SUBITEMS A AND B, AND INTRODUCING THE ORDINANCES FOR SUBITEMS C AND G WITH THE AMENDMENT TO APPROVE THE RECOMMENDATIONS OF THE ASSISTANT CITY MANAGER AS STATED IN HER MEMORANDUM TO THE MAYOR AND COUNCIL DATED JULY 27, 1998 AS FOLLOWS:

1. PAGE 36, 1ST PARAGRAPH, LAST SENTENCE, REVISE AS FOLLOWS:

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2. PAGE 58, ADD NEW SECTION 6.7 TRANSIT, AS FOLLOWS, AND RENUMBER EXISTING 6.7 THROUGH 6.10, TO 6.8 THROUGH 6.11:

THE SUBAREA PLAN APPLICANT WILL WORK WITH THE METROPOLITAN TRANSIT DEVELOPMENT BOARD (MTDB) TO DEVELOP A MUTUALLY AGREEABLE TRANSIT SERVICE AND FINANCING PLAN.

IN ADDITION TO THE ADDENDUM DISTRIBUTED BY THE CITY MANAGER, DATED JULY 27, 1998, APPROVE THE ADDITIONAL REVISIONS, WHICH MODIFIES SUBAREA G, OF THE DEVELOPMENT AGREEMENT AS RECOMMENDED IN ATTACHMENT 1 (GREEN SHEET) OF THE ASSISTANT CITY MANAGER'S MEMORANDUM TO THE MAYOR AND COUNCIL DATED JULY 27, 1998, ENTITLED "CITY MANAGER SUPPORTED ALTERNATIVES

TO SECTIONS OF THE SUBAREA III, PACIFIC HIGHLANDS RANCH
DEVELOPMENT AGREEMENT" AS STATED BELOW:

5.1.1 THIS AGREEMENT IS EFFECTIVE UPON THE EFFECTIVE DATE. IF THE PHASE SHIFT IS SUBSEQUENTLY INVALIDATED OR NULLIFIED FOR ANY REASON, THIS AGREEMENT SHALL TERMINATE AND THE PARTIES SHALL BE RELIEVED OF ANY OBLIGATIONS UNDER THIS AGREEMENT; AND CITY SHALL RECONVEY AND REFUND ANY PROPERTY OR FUNDS RECEIVED AS EXTRAORDINARY BENEFIT UNDER SECTION 5.2 EXCEPT WITH RESPECT TO SECTION 5.2.3, IN WHICH CASE CITY SHALL BE REQUIRED TO REIMBURSE PARDEE FOR THE DIFFERENCE BETWEEN THE PURCHASE PRICE OF \$3,000,000 AND THE FAIR MARKET VALUE AT THE TIME OF ACQUISITION OF THE PROPERTY, PLUS INTEREST AT THE SAME RATE THE CITY EARNS ON POOLED INVESTMENTS ACCRUING FROM THE DATE OF ACQUISITION TO THE DATE OF INVALIDATION OF THE PHASE SHIFT. THE REFUND OF ANY FUNDS RECEIVED SHALL INCLUDE INTEREST ACCRUED IN THE DEPOSIT ACCOUNT FOR THE FUNDS.

5.2.3 NO LATER THAN 30 DAYS AFTER THE EFFECTIVE DATE, PARDEE WILL ENTER INTO A PURCHASE AGREEMENT TO SELL TO CITY A POLICE STATION SITE, WITH A MINIMUM OF 4.0 GROSS (3.5 NET DEVELOPABLE) ACRES IN CARMEL VALLEY, THE SITE TO BE MUTUALLY AGREED UPON, FOR A PURCHASE PRICE OF NOT MORE THAN THREE MILLION DOLLARS. THE TERMS OF THE PURCHASE SHALL BE AS PROVIDED IN ATTACHED EXHIBIT "F."

5.2.6 PARDEE SHALL CONVEY TO CITY, AT NO COST TO CITY, TITLE TO THE MHPA DESIGNATED LAND ON PARDEE'S PARCELS. CONVEYANCES WILL OCCUR IN PHASES AS TENTATIVE SUBDIVISION MAPS AND RELATED ENSUING FINAL MAPS ARE APPROVED. PARDEE SHALL RESTORE 131 ACRES OF DISTURBED HABITAT WITHIN THE MHPA WITHIN THE PARDEE PARCELS. RESTORATION SHALL COMMENCE SIMULTANEOUSLY WITH THE MASS GRADING OF PARDEE PARCELS. RESTORATION SHALL BE ACCOMPLISHED IN CONFORMANCE WITH THE PACIFIC HIGHLANDS RANCH CONCEPTUAL RESTORATION PLAN (APPENDIX C2 OF MEIR 96-7918/SCH. NO. 97111077). PURSUANT TO NCCP MITIGATION BANK GUIDELINES PARDEE MAY ESTABLISH A

MITIGATION BANK FOR THE 131-ACRE RESTORATION AREA. MITIGATION CREDITS WILL BE AVAILABLE FOR SALE AS THE RESTORED HABITAT ACHIEVES THE MINIMUM SUCCESS CRITERIA IDENTIFIED IN THE REVEGETATION PLANS APPROVED CONSISTENT WITH THE CONCEPTUAL RESTORATION PLAN. THE CITY WILL ACCEPT THE FEE TITLE OF PROPERTY INCLUDED IN THE BANK AS THE CREDITS ARE PURCHASED. PARDEE SHALL MAINTAIN AND MANAGE THE WILDLIFE RESOURCES ON ALL PORTIONS OF THE LAND CONTAINED IN THE MITIGATION BANK UNTIL TRANSFERRED IN FEE TITLE TO CITY.

5.2.11 PARDEE SHALL GUARANTEE UP TO \$2,000,000 TO FUND PROJECT REPORTS AND ENVIRONMENTAL DOCUMENTATION FOR UNFINISHED CONNECTORS AT SR-56 AND I-5 AND SR-56 AND I-15. TO ACCOMPLISH THIS, PARDEE SHALL, WITHIN 10 DAYS OF THE EFFECTIVE DATE ESTABLISH AN ESCROW ACCOUNT IN THE AMOUNT OF \$2,000,000 OR PROVIDE SOME ALTERNATIVE FORM OF SECURITY ACCEPTABLE TO THE PUBLIC AGENCIES. INTEREST FROM FUNDS DEPOSITED INTO THE ESCROW ACCOUNT SHALL ACCRUE TO PARDEE. PARDEE SHALL ADVANCE FUNDING UP TO THE \$2,000,000 MAXIMUM TO THE PUBLIC AGENCY RESPONSIBLE FOR PREPARING THE PROJECT REPORT AND ENVIRONMENTAL DOCUMENTATION. PARDEE SHALL PAY THE FUNDS AS COSTS ARE INCURRED. PARDEE SHALL BE ELIGIBLE FOR REIMBURSEMENT FOR THE ADVANCEMENT OF FUNDS FROM FUNDED "TEA 21" FUNDING OR OTHER APPROPRIATE NON-CITY REGIONAL, STATE, OR FEDERAL FUNDING SOURCES.

EXHIBIT "D": INCLUDE COVER PAGE, PAGE 1, INADVERTENTLY OMITTED, WHICH CONTAINS FOOTNOTE REFERENCE RELEVANT TO TRANSPORTATION PHASING PLAN AS FOLLOWS:

APPENDIX "A" - TRANSPORTATION PHASING PLAN

THIS ENCLOSED TRANSPORTATION PHASING PLAN FOR SUBAREA 3 ASSUMES THAT STATE ROUTE 56 WILL BE IMPLEMENTED AS SHOWN IN THIS PFFP. IF STATE ROUTE 56 IMPLEMENTATION IS DELAYED FOR ANY REASON, TRAFFIC THRESHOLDS AND IMPROVEMENTS WILL BE AS SHOWN IN THE ENCLOSED ALTERNATIVE TRANSPORTATION PHASING PLAN FOR SUBAREA 3.

EXHIBIT "F":

4. USE OF PROPERTY. CITY PROPOSES TO USE THE SITE FOR A POLICE SUBSTATION SERVING CARMEL VALLEY [THE SUBSTATION]. IF THE CITY DETERMINES THE PROPERTY MAY NOT BE USED FOR A POLICE SUBSTATION FOR ANY REASON, CITY MAY SELL THE PROPERTY FOR CASH, THE PROCEEDS OF THE SALE TO BE APPLIED TO ANOTHER SITE FOR THE SUBSTATION OR MAY EXCHANGE THE PROPERTY FOR OTHER PROPERTY TO BE USED AS A SITE FOR THE SUBSTATION. IF CITY ELECTS TO SELL THE PROPERTY, PARDEE SHALL HAVE THE RIGHT OF FIRST REFUSAL, AT THE SAME PRICE AS THE BONA FIDE OFFER FOR THE PROPERTY, ON ANY PROPOSED CASH SALE; HOWEVER, PARDEE SHALL NOT HAVE SUCH RIGHT IF THE CITY ELECTS TO EXCHANGE THE PROPERTY. ANY COVENANTS, CONDITIONS AND RESTRICTIONS WHICH APPLY TO THE PROPERTY SHALL APPLY TO PROPERTY IF TRANSFERRED BY CITY TO A THIRD PARTY.

6.1 CLOSING DATE. THE CLOSE OF ESCROW SHALL BE ON OR BEFORE THE SECOND ANNIVERSARY OF THE EFFECTIVE DATE OF THIS AGREEMENT [CLOSING DATE]. "CLOSE OF ESCROW" MEANS THE DATE THE GRANT DEED CONVEYING THE PROPERTY TO BUYER IS RECORDED PURSUANT TO THE AGREEMENT.

APPROVE THE FOLLOWING TWO CHANGES RECOMMENDED BY THE CITY MANAGER WHICH REPRESENTS A NARROWING OF COUNCIL POLICY 600-37 PROVISIONS GOVERNING DEVELOPMENT AGREEMENTS:

3.6.1 OWNER SHALL HOLD CITY, ITS OFFICERS, AGENTS, EMPLOYEES HARMLESS FROM LIABILITY AS FOLLOWS: (I) FOR DAMAGES, JUST COMPENSATION, RESTITUTION, OR JUDICIAL OR EQUITABLE RELIEF ARISING OUT OF CLAIMS FOR PERSONAL INJURY, AND CLAIMS FOR PROPERTY DAMAGE, WHICH ARISE FROM THE DIRECT OR INDIRECT OPERATIONS OF OWNER, ITS CONTRACTORS, SUBCONTRACTORS, AGENTS OR EMPLOYEES WHICH RELATE TO THE DEVELOPMENT OF OWNER'S PROPERTY OR WHICH ARE RELATED TO PERFORMANCE BY EITHER PARTY OF ITS OBLIGATIONS UNDER SECTION 5.2 OF THIS AGREEMENT; AND

(II) FROM AND AGAINST ANY ACTION OR PROCEEDING BROUGHT BY A THIRD PARTY AGAINST THE CITY TO SET ASIDE, CANCEL, VOID OR ANNUL ANY OF THE FOLLOWING DEVELOPMENT APPROVALS GRANTED BY THE CITY IN ADOPTING: THE GENERAL PLAN/Framework Plan and Local Coastal Program AMENDMENTS NECESSARY FOR THE APPROVAL OF THE SUBAREA III PLAN; THE SUBAREA III PLAN; THE REZONING OF THE PARDEE PARCELS; THE MHPA BOUNDARY ADJUSTMENTS OF OWNER'S PROPERTY; THIS DEVELOPMENT AGREEMENT OR THE CITY OBLIGATIONS CONTAINED IN SECTION 5.2 OF THIS AGREEMENT; THE PFFP, INCLUDING THE TRANSPORTATION PHASING PLAN; THE PHASE SHIFT VOTE; DISCRETIONARY PERMITS AND SUBDIVISION MAP(S) FOR OWNER'S PROPERTY; AND THE ENVIRONMENTAL DOCUMENTS REQUIRED BY CEQA FOR SUCH DEVELOPMENT APPROVALS.

4.2.3 THE RIGHT TO REGULATE THE RATE AND AMOUNT OF GROWTH IS NOT ABROGATED BY CITY. CITY RETAINS THE POLICE POWER TO PROVIDE FOR CHANGE IN REGULATIONS, ORDINANCES, POLICIES AND PLANS RELATING TO MORATORIA, BUILDING PERMIT ALLOCATIONS, TIMING AND SEQUENCING OF DEVELOPMENT AND FINANCING AND PROVISION OF ADEQUATE PUBLIC FACILITIES AT THE TIME OF DEVELOPMENT. NO VESTED RIGHTS AS TO ANY REQUIREMENTS IN THIS SECTION 4.2.3 EITHER AS TO EXISTING LAWS OR FUTURE REGULATIONS, ORDINANCES, POLICIES AND PLANS, ARE CONFERRED BY THIS AGREEMENT. IN THE EXERCISE OF ITS POLICE POWER, THE CITY COUNCIL SHALL RECOGNIZE AND CONSIDER THE CIRCUMSTANCES EXISTING AT THE TIME THIS AGREEMENT WAS AUTHORIZED AND SHALL LIMIT ITS EXERCISE OF SUCH POWER TO MATTERS OF PUBLIC HEALTH AND SAFETY. IN ADDITION, SUCH EXERCISE OF THE POLICE POWER SHALL BE BY 2/3 VOTE OF THE CITY COUNCIL AND SHALL BE CONSISTENT WITH THE PURPOSE AND INTENT OF THE CALIFORNIA DEVELOPMENT AGREEMENT LEGISLATION.

APPROVE THE FOLLOWING LANGUAGE AGREED UPON BY THE SIERRA CLUB AND PARDEE, THE DEVELOPER, FOR A PENDING AGREEMENT:

PRIOR TO TENTATIVE MAP APPROVAL, A WATER QUALITY PROTECTION PLAN WHICH INCLUDES BEST MANAGEMENT PRACTICES FOR URBAN RUNOFF, WILL BE PREPARED BY THE APPLICANT AND REVIEWED BY INTERESTED PARTIES AND APPROVED BY THE CITY.

CONTINUE SUBITEMS D AND E TO AUGUST 4, 1998, TO ALLOW COUNCIL TO TAKE ACTION ON 8A SINCE IT IS AN INTEGRAL PART OF THIS ISSUE. INTRODUCE THE ORDINANCE FOR SUBITEM F WITH THE AMENDMENT THAT MRS. BECK'S PROPERTY REMAIN IN ITS CURRENT ZONE AND NOT BE REZONED AS PART OF THIS ACTION.

APPROVE THE FOLLOWING AMENDMENTS WITH REGARD TO MODIFICATIONS REQUESTED BY DR. TAMSEN IN HIS LETTER TO THE CITY COUNCIL DATED JULY 28, 1998:

1. THE CITY CANNOT GUARANTEE THAT THE FRONT GATED ENTRYWAY OF RANCHO GLENS ESTATES WILL NOT BE RELOCATED, HOWEVER, IF IN THE COURSE OF FINAL DESIGN AND CONSTRUCTION IT SHOULD BE NECESSARY TO RELOCATE THE GATED ENTRYWAY, ANY COST ASSOCIATED IN THE MOVING AND RESTORATION WOULD BE BORNE BY THE CITY.
2. STAFF IS REQUESTED THAT WHEN THE MAP COMES FORWARD, TO CONSIDER THE POSSIBILITY OF REDUCING THE DENSITY OF THAT PORTION OF THE LIN-KASAI PROPERTY THAT IS EAST OF THE FREEWAY FOR A TRANSFER OF SOME OF THAT DEVELOPMENT TO THE PROPERTY TO THE WEST.

DIRECT CITY STAFF TO WORK WITH THE SCHOOL DISTRICT TO IMPLEMENT THE SCHOOL PARK SITE ADJACENT TO RANCHO GLENS ESTATE IN SUCH A WAY AS TO SHIELD RANCHO GLENS ESTATE FROM THE IMPACTS ASSOCIATED WITH THE SCHOOL.

IN ADDITION, AS PART OF THIS MOTION, ADOPT ITEM 332.

Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: CONTINUED TO AUGUST 4, 1998

SUBJECT: Two actions related to Ballot Measure Authorizing the Exchange of Portions of Pueblo Lot Nos. 1304 and 1306 in Return for Certain Property in the San Dieguito River Valley.

(San Dieguito River Valley and University City Community Areas. Districts-1 & 5.)

CITY ATTORNEY'S RECOMMENDATION:

Introduce and adopt the following ordinances:

Subitem-A: (O-99-20)

Introduction and adoption of an Ordinance authorizing the exchange of portions of Pueblo Lots 1304 and 1306, consisting of approximately 30 acres, located west of Interstate 805 and north of Nobel Drive, in the University City Area, in return for 47.7 acres of property located east of Interstate 5, south of Via De La Valle, and east of El Camino Real, in the San Dieguito River Valley;

Declaring that this ordinance shall become effective only after: a) it is ratified by a majority vote of the qualified electors of the City of San Diego voting at the Municipal Election to be held in this City on November 3, 1998; and b) a settlement agreement resulting in the dismissal of the case San Dieguito Partnership v. City of San Diego, San Diego Superior Court Case Nos. 707254, 711525 and 718166 is approved by Council.

Subitem-B: (O-99-17)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the

Municipal Election consolidated with the Statewide General Election to be held on November 3, 1998, one proposition ratifying an Ordinance adopted by the City Council authorizing the exchange of portions of Pueblo Lots 1304 and 1306, consisting of approximately 30 acres, in return for 47.7 acres of property located in the San Dieguito River Valley.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO CLOSE THE HEARING AND CONTINUE THIS ITEM UNTIL AUGUST 4, 1998 AS REQUESTED BY MAYOR GOLDING TO BE CONSIDERED WITH THE OTHER BALLOT ITEMS. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Carmel Valley Neighborhood 8C - Option One. Conditional adoption of a Precise Plan and related amendments to the Progress Guide and General Plan and the Carmel Valley Community Plan, Conditional Amendment to Municipal Code Section 103.0602 (rezoning the property to Residential and Open Space zones) and consideration of the Neighborhood 8C-Option One. Both actions to be conditioned upon occurrence of an affirmative vote of the People of the City of San Diego on November 3, 1998, specifically by effectively amending the Official Phased Development Map, on file in the Office of the City Clerk as Document No. RR-267565-1, to change the designation of 2,102 acres within Pacific Highlands Ranch Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing."

(VTM/RPO/CVPD-98-0200. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; adopt Subitems D and E to conditionally grant the map and permits; introduce the ordinance in Subitem B:

Subitem-A: (R-99-108) ADOPTED AS RESOLUTION R-290505

Adoption of a Resolution certifying that the information contained in Addendum LDR-98-0200 to Environmental Impact Report EIR-96-7499 has been completed in compliance with the California Environmental Quality Act and State CEQA guidelines, and that said EIR reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to approving the project; adopting the Mitigation, Monitoring and Reporting Program and Statement of Overriding Considerations.

Subitem-B: (O-99-13) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance amending Section 103.0602 of the San Diego Municipal Code (Carmel Valley Planned District Ordinance) to rezone the Neighborhood 8C Option One Precise Plan Area from A-1-1 and A-1-10 (Agriculture) to SF3 (Single Family Residential) and OS (Open Space).

Subitem-C: (R-99-109) ADOPTED AS AMENDED AS RESOLUTION
R-290506

Adoption of a Resolution approving the Carmel Valley Neighborhood 8C-Option One Precise Plan and amending

the Progress Guide and General Plan and the Carmel Valley Community Plan.

Subitem-D: (R-99-312) ADOPTED AS AMENDED AS RESOLUTION
R-290507 GRANTING THE MAP

Adoption of a Resolution granting or denying Vesting Tentative Subdivision Map (VTM-98-0200), with appropriate findings to support Council action.

Subitem-E: (R-99-313) ADOPTED AS AMENDED AS RESOLUTION
R-290508 GRANTING THE PERMITS

Adoption of a Resolution granting or denying Resource Protection Ordinance Permit and Carmel Valley Planned District Permit (RPO/PD-98-0200), with appropriate findings to support Council action.

PROJECT DESCRIPTION:

The project proposes to conditionally reconfigure the adopted very low density residential (0-5 dwelling units per acre) and open space designations of the Carmel Valley Community Plan to accommodate a 109 unit, single-family residential detached development with three open space lots, streets, landscaping, and open space on an approximately 40.0-acre rectangular site. About 21 acres of the site would be graded and developed, and about 19 acres would be retained in open space. Primary access to the project would be gained from the extension of Carmel Creek Road from Carmel Mountain Road/El Camino Real. This project is conditioned upon and thus will only become effective upon occurrence of an affirmative vote of the People of the City of San Diego on November 3, 1998, specifically by effectively amending the Official Phased Development Map, on file in the Office of the City Clerk as Document No. RR-267565-1, to change the designation of 2,102 acres within Pacific Highlands Ranch Plan as reflected on Exhibit 1-2 of said Plan from "Future Urbanizing" to "Planned Urbanizing."

LEGAL DESCRIPTION:

The project is located in the southwestern portion of the Carmel Valley Community between Carmel Mountain Road and Arroyo Sorrento Road, with the western boundary approximately 4,000 feet east of the Interstate 5 (I-5) Freeway. A San Diego Gas and Electric easement covers the easternmost 150 feet of the project site. (Northeast quarter of the southeast quarter of Section 30, Township 14 South, Range 3 West, SBM; 50-foot Access Easement granted to SDG&E recorded April 22, 1965 as File No. 71978 of Official Records).

Culbreth-Graft/Haase/NO

FILE LOCATION: SUBITEMS A,C,D,E: LAND-Progress Guide
and General Plan, Carmel Valley
Community Plan; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A089-159.)

Hearing began at 10:16 a.m. and halted at 10:22 a.m.

CONSENT MOTION BY McCARTY TO INTRODUCE THE ORDINANCE AND ADOPT THE RESOLUTIONS TO CERTIFY THE ENVIRONMENTAL IMPACT REPORT, REZONE THE PROPERTY, AMEND THE PLANS, GRANT THE VESTING TENTATIVE SUBDIVISION MAP, AND GRANT THE PERMITS. AS REQUESTED BY COUNCIL MEMBER MATHIS, THE FOLLOWING CHANGES AS RECOMMENDED BY THE CITY MANAGER IN HIS MEMORANDUM OF JULY 28, 1998, AND AGREED TO BY THE APPLICANT, ARE ALSO TO BE INCLUDED:

VTM CONDITIONS:

28. ADD THE FOLLOWING TO THE SECOND PARAGRAPH "...SHALL BE GRADED TO DRAIN TOWARDS THE CUL-DE-SAC OF STREET 'CC', OR IN A MANNER SATISFACTORY TO THE CITY ENGINEER."

44C. DELETE REFERENCE TO LOT 110.

DEVELOPMENT PERMIT CONDITIONS:

16. CHANGE 30 DAYS TO 90 DAYS IN THE LAST SENTENCE.

36. DELETE THIS CONDITION

45C. ADD THE FOLLOWING AT THE END OF THE CONDITION: "EXCEPT THAT A 60 FOOT ZONES 2 AND 3 BRUSH MANAGEMENT AREA SHALL BE PROVIDED ON LOT BC."

47. ADD THE FOLLOWING: "...FOR FIRE SAFETY PURPOSES UNLESS A SECOND STREET INGRESS AND EGRESS IS PROVIDED TO THE DEVELOPMENT, SATISFACTORY TO THE FIRE DEPARTMENT."

AS REQUESTED BY MAYOR GOLDING, THIS ACTION IS ALSO TO BE CONDITIONED ON THE CONTINUED COOPERATION AND FLEXIBILITY WITHIN THE 8A PLANNING PROCESS WITH WESTERN PACIFIC TO ACCOMMODATE A COORDINATED ACCESS AND LOT CONFIGURATION ON THE SOUTHWEST CORNER OF THE PARCEL, BENEFITTING BOTH PARTIES.

Second by Warden. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335:

SUBJECT: Matter of: 1) an amendment to the North City Future Urbanizing Area (NCFUA) Framework Plan to incorporate a Subarea Plan for Subarea I; 2) an amendment to the City of San Diego Progress Guide and General Plan; 3) an amendment to the official Phase Development Map in the Progress Guide and General Plan contingent upon an affirmative vote of the People at the Municipal Election to be held November 3, 1998; 4) a purchase

agreement to secure availability of a fire station site in Subarea I; and 5) a Multiple Habitat Planning Area Boundary Adjustment all in furtherance of developing 4,279 residential units, commercial uses, and open space in Subarea I. (Black Mountain Ranch.)

(See City Manager Report P98-130. North City Future Urbanizing Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and B; introduce the ordinance in Subitems C; introduce and adopt the ordinance in Subitem D; consider Subitem E:

Subitem-A: (R-99-130) ADOPTED AS RESOLUTION R-290524

Adoption of a Resolution certifying that the information contained in LDR-96-7902 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final Master Environmental Impact Report has been reviewed and considered prior to approving the project; adopting the Mitigation, Monitoring and Reporting Program.

Subitem-B: (R-99-131) ADOPTED AS RESOLUTION R-290525

Adoption of a Resolution approving the proposed amendment to the Phased Development Areas Map of the Progress Guide and General Plan to change the designation of the 1,410-acre portion of Subarea I in the North City Future Urbanizing Area to Planned Urbanizing, and approving the Black Mountain Ranch Subarea Plan for Subarea I as an amendment to the Progress Guide and General Plan and the NCFUA Framework Plan.

Subitem-C: (O-99-24) INTRODUCED AS AMENDED, TO BE
ADOPTED ON TUESDAY, SEPTEMBER 8,
1998

Introduction of an Ordinance directing the City Manager to execute a public facility site purchase agreement with the applicant for the development of a designated fire station in the Black Mountain Ranch Subarea I Neighborhood.

NOTE: Approval of the Purchase Agreements requires 2/3 vote of Council pursuant to City Charter Section 99.

Subitem-D: (O-99-5) CONTINUED TO TUESDAY, AUGUST 4,
1998

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Municipal Election consolidated with the Statewide General Election to be held on 11/3/98, one proposition conditionally amending the official Phased Development Map in the City's Progress Guide and General Plan within Subarea I of the North City Future Urbanizing Area to change the designation of the 1,410 acres known as Black Mountain Ranch from "Future Urbanizing" to "Planned Urbanizing."

Subitem-E: CONTINUED TO TUESDAY, AUGUST 4, 1998

In the matter of Council direction regarding authorship of the ballot argument.

OTHER RECOMMENDATIONS:

The Planning Commission serves as the community planning group for the NCFUA pursuant to Council Policy 600-5. On July 9, 1998, the Planning Commission unanimously voted to approve the Black Mountain Ranch Subarea Plan for Subarea I and the associated actions.

SUPPORTING INFORMATION:

The project consists of the following:

1. A Subarea Plan for Black Mountain Ranch - Subarea I of the North City Future Urbanizing Area (NCFUA). The Plan proposes to develop 4,279 residential units, two commercial villages, employment uses, open space, associated public facilities, and transportation network.
2. An amendment to the North City Future Urbanizing Area Framework Plan to reflect revised land use designations, distribution of land uses, road system, facilities, and development and open space areas as proposed in the Subarea I Plan.
3. An amendment to the Progress Guide and General Plan - Phased Development Areas Map to change the designation of a 1,410-acre area within the Black Mountain Ranch Subarea Plan for Subarea I in the North City Future Urbanizing Area from Future Urbanizing to Planned Urbanizing, contingent upon an affirmative vote of the People at the November 3, 1998 Municipal Election.
4. Purchase Agreements between the City and Applicant to secure availability of a fire station site in Subarea I.
5. Amendments to the Multiple Habitat Planning Area (MHPA) Boundary for purposes of adjusting the boundary lines.

The proposed amendments and purchase agreements are available for review at Community Planning and Development Department on the fourth (4th) floor of the City Administration Building, 202 "C" Street, San Diego. To make an appointment, or for more information, please contact Cathy Winterrowd at (619) 236-7065.

The project also includes purchase agreements for the acquisition of public facility site for a fire station as designated in the

Draft Black Mountain Ranch Subarea Plan for Subarea I of the North City Future Urbanizing Area. The decision of the City Council will require a two-thirds vote as required by the City of San Diego Charter Section 99 because these purchase agreements are expected to be in effect for more than five years.

The proposed purchase agreements are available for review at Community Planning and Development Department on the fourth 4th) floor of the City Administration Building, 202 "C" Street, San Diego. To make an appointment, or for more information, please contact Cathy Winterrowd at (619) 236-7065.

FILE LOCATION: SUBITEMS A-B: LAND - Progress Guide and General Plan-Black Mountain Ranch, Subarea I, (NCFUA); SUBITEMS C,D,E: NONE

COUNCIL ACTION: (Tape location: E037-F042.)

Hearing began at 3:08 p.m. and halted at 3:48 p.m.

Testimony in opposition by Keith Behner, Richard Belzer, Hal Goldberg, Frank Ohrmund, Judy Olesen, and Joyce Tavrow.

Testimony in favor by Allen Hayme, Ms. McCloud, Bob Christopher, Ray Stewart, Kevin McNamara, John DeBevoise, Anne DeBevoise, Mike Kelly, Rick Jamison, Jeanette Walttz, and Paul Blackburn.

MOTION BY MATHIS TO ADOPT THE RESOLUTION FOR SUBITEM A, ADOPT THE RESOLUTION AND INTRODUCE THE ORDINANCE FOR SUBITEMS B AND C WITH THE AMENDMENT STATED BELOW AS RECOMMENDED BY THE ASSISTANT CITY MANAGER IN HER MEMORANDUM TO THE MAYOR AND COUNCIL DATED JULY 27, 1998:

1. TABLE 2.4: RESIDENTIAL DEVELOPMENT BY OWNERSHIP:

REVISE AS SHOWN IN THE TABLE ATTACHED TO THE ASSISTANT CITY MANAGER'S MEMORANDUM AND ELSEWHERE IN THE SUBAREA PLAN FOR CONSISTENCY.

2. PAGE 6.8, TRANSIT:

ADD THE FOLLOWING SENTENCE TO THE END OF THE LAST
PARAGRAPH:

THE SUBAREA PLAN APPLICANT WILL WORK WITH THE
METROPOLITAN TRANSIT DEVELOPMENT BOARD (MTDB) TO
DEVELOP A MUTUALLY AGREEABLE TRANSIT SERVICE AND
FINANCING PLAN.

CONTINUE SUBITEMS D AND E TO AUGUST 4, 1998 TO ALLOW COUNCIL
TO TAKE ACTION ON 8A:

APPROVE THE FOLLOWING LANGUAGE IN THE BALLOT MEASURE WHEN IT
RETURNS TO COUNCIL ON AUGUST 4, 1998:

THE PEOPLE OF THE CITY OF SAN DIEGO HEREBY FURTHER
RESOLVE THAT THE MAXIMUM NUMBER OF RESIDENTIAL DWELLING
UNITS WHICH MAY BE PERMITTED WITHIN SUBAREA I SHALL NOT
EXCEED THE TOTAL NUMBER OF RESIDENTIAL UNITS SET FORTH
IN THE SUBAREA I PLAN APPROVED ON JULY 28, 1998.

Second by Warden. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336:

SUBJECT: Two actions related to Black Mountain Ranch (North City
Future Urbanizing Area Subarea I) Public Facilities
Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report P98-127; Public Facilities
Financing Plan and FBA, June 1998 Draft. Black
Mountain Ranch Subarea I. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-27) ADOPTED AS RESOLUTION R-290509

Approving the document entitled "Black Mountain Ranch
Subarea I of the North City Future Urbanizing Area
Public Facilities Financing Plan and Facilities Benefit
Assessment, June 1998."

Subitem-B: (R-99-28) ADOPTED AS RESOLUTION R-290510

Resolution of Intention to designate areas of benefit
in Black Mountain Ranch and setting the time and place
for holding a public hearing.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 7/1/98, LU&H voted 3-0 to approve on consent with the
understanding the City Manager will resolve the issue regarding
calculation of fees before it is forwarded to the City Council.
(Councilmembers Mathis, Stevens and McCarty voted yea.
Councilmembers Stallings and Vargas not present.)

FILE LOCATION: SUBITEMS A AND B: STRT-FB-19

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTIONS. Second
by Warden. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337:

SUBJECT: Authorization to Transfer Administration and Fiscal Functions for the Housing Opportunities for Persons with AIDS (HOPWA) Program to the County of San Diego.

(See San Diego Housing Commission Report CCR-98-003.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-99-135) ADOPTED AS RESOLUTION R-290511

Approving a contract transferring delegation of administration of the Housing Opportunities for Persons with AIDS Program (HOPWA) to the County of San Diego, and modifying and rescinding certain prior delegations to the San Diego Housing Commission;

Authorizing the City Manager to enter into an agreement with the County and the San Diego Housing Commission to transition the administration of the HOPWA Program to the County in accordance with the terms of the HOPWA contract.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO ADOPT. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338:

SUBJECT: Amendments to the Robinhood Ridge Precise Plan, Otay Mesa Community Plan, and Progress Guide and General Plan and Approving MSCP Boundary Adjustment.

(Case-98-0189. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the resolutions in Subitems A and C; introduce the ordinance in Subitem B:

Subitem-A: (R-99-18) ADOPTED AS RESOLUTION R-290512

Adoption of a Resolution certifying that the information contained in Environmental Impact Report LDR-98-0189 has been completed in compliance with the California Environmental Quality Act and State CEQA guidelines, and that said EIR reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final EIR has been reviewed and considered prior to approving the project; adopting the Findings and Statement of Overriding Considerations; adopting the Mitigation, Monitoring and Reporting Program.

Subitem-B: (O-99-9) INTRODUCED, TO BE ADOPTED
SEPTEMBER 8, 1998

Introduction of an Ordinance rezoning 84 acres from A-1-10 and A1-10/HR to R1-5000 and 7 acres from A1-10 and A1-10/HR to R-1750.

Subitem-C: (R-98-19) ADOPTED AS RESOLUTION R-290513

Adoption of a Resolution adopting the amendments to the Robinhood Ridge Precise Plan, the Otay Mesa Community

Plan, and the Progress Guide and General Plan and approving a boundary adjustment for the Multi-Habitat Planning Area.

OTHER RECOMMENDATIONS:

Planning Commission voted 5-0 in favor of project; no opposition.

Ayes: White, Butler, Anderson, Steele and Watson

Not Present: Skorepa

The Otay Mesa Community Planning Group has recommended approval of the project.

SUPPORTING INFORMATION:

The proposed discretionary actions consist of amendments to the Robinhood Ridge Precise Plan, Otay Mesa Community Plan, and City of San Diego Progress Guide and General Plan, and the rezoning of a portion of the Precise Plan area. Revisions to existing Vesting Tentative Map (VTM)/Planned Residential Development Permit (PRD) No. 86-1014, which covers 204 acres of the proposed 278-acre Precise Plan area, are proposed to be processed administratively through the City's Substantial Conformance Review process, contingent upon the approval of the above discretionary actions. The adopted Precise Plan accommodates the potential development of 1,116 dwelling units, 203 single-family and 913 multi-family. The project would reduce the development potential of the Precise Plan area to approximately 953 dwelling units, 520 single-family and 433 multi-family. The proposed revisions to VTM/PRD-86-1014 would reduce the development potential of this 204-acre property from 849 dwelling units, 191 single-family and 658 multi-family, to 698 dwelling units, 520 single-family and 178 multi-family. The primary Precise Plan area roadway connection is proposed to be shifted from Dennery Canyon Road (to the west) to Otay Valley Road (to the east). The secondary Precise Plan area roadway connections to the southeast and the northwest would be maintained in the locations specified

in the existing Precise Plan. The project proposes to amend the boundaries of the western portion of the Precise Plan area, reducing the plan area from 311 acres to 278. The 33-acre portion of the Precise Plan area that is proposed to be deleted is a part of an unrelated tentative map proposal within the proposed Hidden Trails Precise Plan area (LDR-89-0739). The project includes a boundary adjustment to the Multi-Habitat Planning Area of the City of San Diego Multiple Species Conservation Program Subarea Plan.

LEGAL DESCRIPTION:

The Precise Plan area is located approximately 1.5 miles east of Interstate 805 and two miles north of the U.S.- Mexico border (portion of Section 29, Township 18 South, Range 1 West, S.B.B.M.).

FILE LOCATION: SUBITEMS A AND C: LAND-Robinhood Ridge
 Precise Plan, Otay Mesa Community Plan,
 Progress Guide and General Plan (9);
 SUBITEM B: NONE

COUNCIL ACTION: (Tape location: A089-159.)

Hearing began at 10:16 a.m. and halted at 10:22 a.m.

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTIONS IN
SUBITEMS A AND C AND INTRODUCE THE ORDINANCE IN SUBITEM B.
Second by Warden. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: CONTINUED TO AUGUST 4, 1998

SUBJECT: Repeal of the 1981 Border Highlands Local Coastal
 Program Land Use Plan and adoption of the Tijuana River
 Valley Local Coastal Program Land Use Plan. The

proposed Tijuana River Valley Local Coastal Program Land Use Plan (TRVLCP/LUP) effectively replaces the 1977 Tijuana River Valley Local Coastal Program Addendum and the Border Highlands Local Coastal Program Land Use Plan and consolidates them into a comprehensive Local Coastal Program Land Use Plan in order to implement the California Coastal Act, and to reflect the policies of the City's Multiple Species Conservation Program (MSCP) and the re-designation of most of the planning area to primarily open space.

(Tijuana River Valley Community Plan Area.
Districts-2 & 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-110)

Adoption of a Resolution certifying that the information contained in LDR-98-0683 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said report reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the final addendum has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-111)

Adoption of a Resolution repealing the Border Highlands Local Coastal Program Land Use Plan and adopting the proposed Tijuana River Valley Local Coastal Program Land Use Plan to obtain California Coastal Commission certification.

OTHER RECOMMENDATIONS:

There is no officially recognized community planning group for this area.

SUPPORTING INFORMATION:

The proposed repeal of the 1981 Border Highlands Local Coastal Program Land Use Plan and adoption of the Tijuana River Valley Local Coastal Program Land Use Plan also constitute an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program Amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program Amendment would not become effective until after approval by the California Coastal Commission.

CITY MANAGER SUPPORTING INFORMATION:

BACKGROUND: On March 18, 1997, the City Council repealed the 1977 Tijuana River Valley Plan and Local Coastal Program Addendum and designated almost the entire area for open space as part of the Multiple Species Conservation Program. Because the Tijuana River Valley is located in the Coastal Zone, the proposal was submitted to the California Coastal Commission for Certification as a Local Coastal Program amendment. Upon initial review of the submittal, Coastal Commission staff recommended the retention of a Local Coastal Program Land Use Plan for the Tijuana River Valley and further recommended an amendment of the 1981 Border Highlands Local Coastal Program Land Use Plan (LCP/LUP) which was developed as a special study area of the Tijuana River Valley, with specific recommendations regarding the mining and extraction facilities located in the area, to reflect the changes to the Tijuana River Valley Local Coastal Program.

DISCUSSION: After reviewing the Border Highlands LCP/LUP, it was discovered that the only area covered by the plan not subject to public acquisition for open space purposes was the CalMat

(previously Nelson & Sloan) sand and gravel extraction and processing facility encompassing approximately 170 acres. In addition, most of the background information and existing conditions information was out of date. As a result, the Community and Economic Development Department is proposing to repeal the 1981 Border Highlands LCP/LUP and to adopt the proposed Tijuana River Valley Local Coastal Program Land Use Plan, which effectively replaces the 1977 Tijuana River Valley Local Coastal Program Addendum and the Border Highlands LCP/LUP and consolidates them into a comprehensive Local Coastal Program Land Use Plan in order to reflect the policies of the City's Multiple Species Conservation Program (MSCP) and to implement the California Coastal Act. The Land Use Plan is different from the previous planning documents in that it shifts the primary land use emphasis to preservation, enhancement and restoration of the natural features of the area while still allowing for limited recreational and agricultural use. As the rare and unique natural qualities of the Tijuana River Valley have become more widely understood and appreciated during the past two decades, a consensus developed in the City, County and among State and Federal Wildlife Agencies that a majority of this planning area should be devoted primarily to long term preservation of natural resource values. The Land Use Plan is consistent with the County's Management Framework Plan for the Tijuana River Regional Park and the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.

FILE LOCATION: SUBITEMS A AND B: LAND-Tijuana River
Valley Community Plan(10)

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM UNTIL
AUGUST 4, 1998 AS REQUESTED BY THE CITY MANAGER FOR FURTHER
REVIEW. Second by Warden. Passed by the following vote:
Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340:

SUBJECT: Matter of Vesting Tentative Map (VTM), Planned Residential Development (PRD), Coastal Development Permit (CDP), Hillside Review (HR), Resource Protection Ordinance (RPO), and Street Vacation (SA)96-0625. (Mesa Verde Estates).

(VTM/PRD/CDP/HR/RPO/SA-96-0625. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt Subitems A and D; and adopt Subitems B & C to grant the permit and map:

Subitem-A: (R-99-23) ADOPTED AS RESOLUTION R-290514

Adoption of a Resolution certifying that the information contained in Environmental Impact Report DEP-96-0625 has been completed in compliance with the California Environmental Quality Act of 1970 and State Guidelines, and that Findings to EIR-95-0353 reflect the independent judgement of the City of San Diego as Lead Agency; stating for the record that the Findings to EIR-95-0353 have been reviewed and considered prior to approving the project; adopting the Findings and Mitigation Monitoring and Reporting Program pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-99-314) ADOPTED AS RESOLUTION R-290515
GRANTING THE PERMIT

Adoption of a Resolution granting or denying the permit, with appropriate findings to support Council action.

Subitem-C: (R-99-315) ADOPTED AS RESOLUTION R-290516
GRANTING THE MAP

Adoption of a Resolution granting or denying the map,
with appropriate findings to support Council action.

Subitem-D: (R-99-22) ADOPTED AS RESOLUTION R-290517

Adoption of a Resolution authorizing the street
vacation of a segment of Road Survey 65 as provided for
under Section 66499.20-1/2 of the State Map Act.

OTHER RECOMMENDATIONS:

Planning Commission voted 4-0 to approve.
Ayes: Butler, Steele, Watson, White
Not present: Anderson, Quinn, Skorepa

The Del Mar Mesa Community Planning Group has recommended
approval of the project.

CITY MANAGER SUPPORTING INFORMATION:

The project proposes to subdivide and develop, under a Planned Residential Development Permit, 60.85 acres (zoned A-1-1, Agricultural, one unit per acre) into 60 single-family residential lots, three open space lots and five private street lots. The project includes several existing non-contiguous parcels separated by property not owned by the applicant. The project site is located at the northeast corner of Shaw Ridge Road and Vine, south of Carmel Valley Road.

LEGAL DESCRIPTION:

The vacant project site is on the north side of Shaw Ridge Road, approximately 1.7 miles east of Carmel County Road, in Subarea V of the North City Future Urbanizing Area (NCFUA) and is more particularly described as Portion of Section 22, Township 14 South, Range 3 West, San Bernardino Base Meridian.

NOTE: Due to requirements mandated by the State Map Act, this project requires a noticed hearing before the City Council.

FILE LOCATION: SUBITEMS A,B,C: PERM-96-0625 (65);
SUBITEM D: STRT-J-2886

COUNCIL ACTION: (Tape location: A089-159.)

Hearing began at 10:16 a.m. and halted at 10:22 a.m.

CONSENT MOTION BY McCARTY TO ADOPT THE RESOLUTIONS FOR SUBITEMS A AND D, AND ADOPT THE RESOLUTIONS FOR SUBITEMS B AND C TO GRANT THE PERMIT AND MAP. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: CONTINUED TO AUGUST 4, 1998

(Continued from the meeting of June 30, 1998, Item 334, at Councilmember Mathis's request, to allow for additional time to work with the property owners involved.)

SUBJECT: Three actions related to a Street Vacation and Slope Easement Abandonment in a portion of Cass Street and Rutgers Road in conjunction with DEP-96-8294.

(La Jolla & Pacific Beach Community Areas.
Districts-1 & 2.)

NOTE: The public testimony portion of the hearing is closed.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1043)

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-96-8294 has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said declaration reflects the independent judgement of the City of San Diego as Lead Agency; stating for the record that the Declaration has been reviewed and considered prior to approving the project.

Subitem-B: (R-98-1041)

Adoption of a Resolution summarily vacating a portion of Cass Street and Rutgers Road north of Van Nuys Street in accordance with Sections 8331 et seq. of the Public Streets and Highways Code.

Subitem-C: (R-98-1042)

Adoption of a Resolution summarily vacating slope easements in Block 9, Map-928 and in Block 9, Map-930 in accordance with Section 8334 et seq. of the Public Streets and Highways Code.

CITY MANAGER SUPPORTING INFORMATION:

The abutting property owner has requested the vacation of Cass Street and Rutgers Road (with associated slope easements) in order to use the area for a single family residential development in the future. The Cass Street portion of the vacation area is within the La Jolla Community Planning Area and comprises 8,003 square feet (.18 acres). The Rutgers Road portion of the vacation area (including slope easements) is within the Pacific

Beach Community Planning Area and comprises 14,361 square feet (.33 acres) and is fee owned by the City. A land sale at fair market value for the Rutgers Road portion is a companion Council item. Both areas are within the R-1-5000 Zone and when joined with the applicant's property would allow additional single family residential development. The applicant has obtained an access easement from Lot 32, Map-4551 to access the site from Moonlight Lane. No homes exist on the abutting properties today.

A Negative Declaration DEP-96-8294 was prepared as part of this request. Any future development will be subject to City zoning and development permit procedures. The La Jolla Community Planning Association voted 7-5-1 to approve the vacation and the Pacific Beach Community Planning Committee voted unanimously to approve this action. The right-of-way to be vacated does contain public utilities for which easements are being reserved. Staff review has indicated that the right-of-way may be summarily vacated and that the four required findings for vacation can be made.

FOUR FINDINGS: 1) The portions of streets to be vacated are not needed for present or prospective public street purposes; 2) the public will benefit from the vacation through improved utilization of the land; 3) the vacation is consistent with the approved Community Plan; and 4) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

FILE LOCATION: SUBITEMS A AND B: STRT-J-2885; SUBITEM
C: NONE

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM UNTIL AUGUST 4, 1998 AS REQUESTED BY THE CITY MANAGER FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342:

(Continued from the meeting of June 30, 1998, Item 335,
at Councilmember Mathis's request, to allow time to
meet with the adjacent property owners regarding the
sale of a portion of Rutgers Road.)

SUBJECT: Exclusive Sale - Portion of Rutgers Road.

(Pacific Beach Community Area. District-1.)

NOTE: The public testimony portion of the hearing is
closed.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1168) CONTINUED TO AUGUST 4, 1998

Authorizing the exclusive sale of a 0.18-acre portion
of Rutgers Road for \$123,000, which amount has been
established by independent appraisal to be fair market
value, and which is an undeveloped and unneeded
City-owned street at the north end of Cass Street on
the Pacific Beach - La Jolla boundary;

Authorizing the execution of a grant deed, conveying
the property to Chloe Edge Trust dated June 17, 1994.

NOTE: See Item 341 for a companion item.

CITY MANAGER SUPPORTING INFORMATION:

Proposed for sale to Chloe Edge Trust is a 0.18-acre portion of
Rutgers Road, which is an undeveloped and unneeded City-owned
street at the north end of Cass Street on the Pacific Beach - La
Jolla boundary. Chloe Edge Trust, the adjacent owner, wishes to

assemble street right-of-way with land the Trust already owns to form a buildable site for a single-family residence. A proposed street vacation of this portion of Rutgers Road and an adjacent portion of Cass Street has been prepared by Development Services. The street vacation and sale are being presented to the City Council as companion items. However, only Rutgers Road is included in the land sale because the City does not have an ownership interest in the Cass Street portion of the street vacation. The value of the Rutgers Road street vacation area was determined by independent fee appraisal to be \$123,000 as of January 1, 1998.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A089-159.)

CONSENT MOTION BY McCARTY TO CONTINUE THIS ITEM UNTIL AUGUST 4, 1998 AS REQUESTED BY THE CITY MANAGER FOR FURTHER REVIEW. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343:

SUBJECT: Four actions related to Approval of Governmental Resolutions to Host Super Bowl XXXVI in 2002.

(See City Manager Report CMR-98-148.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-16) ADOPTED AS RESOLUTION R-290526

Welcoming Super Bowl XXXVI and related Official Events to the City's jurisdiction and declaring full support

of the efforts of the San Diego Super Bowl Host Committee to have the City selected as the site for Super Bowl XXXVI;

Declaring that the City agrees to provide all governmental services (including without limitation public safety, security, fire and medical emergency, traffic, decorative display and public works/street maintenance services and supplies) reasonably necessary to the success of Super Bowl XXXVI and related Official Events within the City's jurisdiction, (whether, recognizing the uniqueness and extraordinary scope of Super Bowl, such services are below, equal to, or beyond the normal level and range of governmental services usually provided for events held within the jurisdiction), including all planning, training or deployment activities related to the provision of such services, all at no cost, expense, or liability to the NFL or the two participating Teams, upon designation of the City as a site for Super Bowl XXXVI;

Declaring that the City agrees that neither the NFL, the Teams, nor any director, shareholder, officer, agent, employee, or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the governmental services planned and/or provided relating to Super Bowl XXXVI and related Official Events, except as otherwise provided in the City's official Bid for Super Bowl XXXVI;

Declaring that the City agrees not to authorize any sponsorship of the City during the two weeks prior and through the week following of Super Bowl XXXVI and related Official Events.

Subitem-B: (R-99-86) ADOPTED AS RESOLUTION R-290527

Declaring that the City agrees to provide all law enforcement and public safety services (including without limitation proper vehicular and pedestrian traffic control, security, police escorts from time to time as requested by the NFL and the two participating Teams, other police services and supplies for the protection of people and property) reasonably necessary for the success of Super Bowl XXXVI and related Official Events within the City's jurisdiction, (whether, recognizing the uniqueness and extraordinary scope of Super Bowl, such services are below, equal to, or beyond the normal level and range of public safety services usually provided for events held within the City), including all planning, training or deployment activities related to the provision of such services, all at no cost, expense, or liability to the NFL or the Teams, except as otherwise provided in the City's formal bid for Super Bowl XXXVI, upon designation of the City as a site for Super Bowl XXXVI;

Declaring that the City agrees that neither the NFL, nor the Teams, nor any director, shareholder, officer, agent, employee, or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the law enforcement and public safety services planned and/or provided relating to Super Bowl and related Official Events.

Subitem-C: (R-99-87 Cor. Copy) ADOPTED AS RESOLUTION
R-290528

Declaring that the City agrees that Super Bowl XXXVI and related Official Events shall not be liable for any taxes, assessments or fees imposed by the City on gross receipts from admission tickets to sporting, cultural

or entertainment events, upon designation of the City as the site for Super Bowl XXXVI;

Declaring that the City agrees to pay all taxes, assessments and fees on behalf of the NFL and the two participating Teams, except as otherwise provided in the City's formal bid for Super Bowl XXXIV, in the event the City, State or the County imposes any taxes, assessments or fees on gross receipts from admission tickets to sporting, cultural or entertainment events;

Declaring that the City agrees that neither the NFL, nor the Teams, nor any director, shareholder, officer, agent, employee, or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with any tax assessments on admission tickets to the Super Bowl or related Official Events;

Declaring that the City agrees to pay on behalf of the NFL or any of its affiliates (NFL Enterprises, NFL Properties, Inc. or NFL Films, Inc.) any and all taxes ordinarily imposed by the City on the conduct of the NFL's Super Bowl activities, except as otherwise provided in the City's formal bid. Super Bowl activities is defined to mean any and all activities, including preparatory site visits in advance of the event; NFL sponsored events during the Super Bowl and activities following the event, carried out by the NFL, its personnel and other authorized NFL agents solely for the purpose of holding the Super Bowl;

Declaring that the State and the City further warrant and agree to assist the NFL in its efforts to obtain exemptions from all payroll (unemployment and withholding), income and use taxes imposed by the State and the County.

Subitem-D: (R-99-88) ADOPTED AS RESOLUTION R-290529

Declaring that the City shall provide all fire and medical emergency services (including without limitation proper fire safety enforcement, emergency dispatch and paramedic services and supplies for the protection of people and property) reasonably necessary for the success of Super Bowl XXXVI and related Official Events within the City's jurisdiction, (whether, recognizing the uniqueness and extraordinary scope of Super Bowl, such services are below, equal to, or beyond the normal level and range of public safety services usually provided for events held within the City), including all planning, training or deployment activities related to the provision of such services, all at no cost, expense, or liability to the NFL or the two participating Teams, except as otherwise provided in the City's formal bid for Super Bowl XXXVI, upon designation of the City as a site for Super Bowl XXXVI;

Acknowledging the unique and temporary status of construction related to the Super Bowl and its Official Events, and authorizing the Fire Marshall to issue appropriate waivers for temporary structures to be constructed at Qualcomm Stadium for the Super Bowl;

Declaring that the City agrees that neither the NFL, nor the Teams, nor any director, shareholder, officer, agent, employee, or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the fire and medical emergency services planned and/or provided relating to Super Bowl and related Official Events.

FILE LOCATION: SUBITEMS A-D: MEET (61)

COUNCIL ACTION: (Tape location: F043-046.)

MOTION BY WEAR TO ADOPT. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500:

(Continued from the meeting of July 21, 1998, Item 332, at Deputy Mayor Wear's request, to allow time to respond to issues raised.)

SUBJECT: This is the continued public meeting regarding the annual assessments for the Washington Street Landscape Maintenance District. Following public testimony at today's meeting, the Council will consider and may confirm the proposed assessments.

(Mission Hills Community Area. District-2).

NOTE: The public testimony portion of the hearing is open.

CITY MANAGER'S RECOMMENDATION:

Upon affirmative findings at today's public hearing, adopt the following resolution:

(R-98-1301) ADOPTED AS RESOLUTION R-290530

Considering the protests, approving the modified map, confirming the assessments, and ordering the proposed maintenance in the matter of the Washington Street Landscape Maintenance District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 1999 assessments for the Washington Street Landscape Maintenance District (LMD). The

district was established in July 1993 to provide maintenance for the landscaping improvements on the Washington Street center islands. For Fiscal Year 1999, the district will maintain 9,000 sq. ft. of medians (7,168 sq. ft. of landscaped medians), 44,000 sq. ft. of landscaped slopes, 1,120 sq. ft. of street trees and 10,000 sq. ft. of hardscape sidewalks. Additional landscape median improvements of 6,572 sq. ft. will require maintenance in future years. The Fiscal Year 1999 proposed maintenance costs for the district are as follows:

DESCRIPTION	FUND		
	OPERATIONS	RESERVE	TOTAL
BEGINNING BALANCE	\$ 0.00	\$ 5,000.00	\$ 0.00
REVENUE:			
Assessments	\$ 19,574.00	\$ 0.00	\$ 19,574.00
Interest	0.00	130.00	130.00
City Contribution	1,080.00	0.00	1,080.00
TOTAL REVENUE	\$ 20,654.00	\$ 130.00	\$ 20,784.00
TRANSFER:	2,825.00	(2,825.00)	0.00
EXPENSE:			
Personnel	\$ 2,733.00	\$ 0.00	\$ 2,733.00
Contractual	12,000.00	0.00	12,000.00
Incidental	5,916.00	0.00	5,916.00
Utilities	2,830.00	0.00	2,830.00
TOTAL EXPENSE	\$ 23,479.00	\$ 0.00	\$ 23,479.00
ENDING BALANCE	\$ 0.00	\$ 2,305.00	\$ 2,305.00

The proposed assessment for Fiscal Year 1999 is \$9.04 per equivalent benefit unit (EBU) and the maximum authorized assessment is \$14.91 per EBU indexed annually to the San Diego CPI-U. An assessment was not levied in Fiscal Year 1998. Reserve funds were used for maintenance while the district was re-engineered. The district contains 2,165 equivalent benefit units (EBU's).

FISCAL IMPACT: It is proposed that the City contribute a total of \$1,080 from the Gas Tax Fund toward the maintenance of 9,000 sq. ft. of medians (\$0.12/sq.ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City.

FILE LOCATION: STRT - M-410-99

COUNCIL ACTION: (Tape location: D375-E036; F047-076.)

Mayor Golding opened the hearing at 2:50 p.m.

Testimony in opposition by Harold Peck, Arlene Vandewetering, Marguerite Stitt, Jean Karp, Carol Adams and Louise Harvey.

Testimony in favor by John Lomac and Mike Stepner.

Mayor Golding recessed the meeting at 3:07 p.m. with direction to staff to tally the ballots.

Mayor Golding resumed the hearing at 3:51 p.m.

Shari Sacks of Financial Services announced the tally for the Washington Street Landscape Maintenance District: 52.7 percent in favor (\$10,717.44); 47.3 percent in opposition (\$9,631.51).

Mayor Golding closed the hearing at 3:52 p.m.

MOTION BY WEAR TO ADOPT THE RESOLUTION ACCEPTING THE RESULTS OF THE ELECTION. Second by Mathis. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-99-148) ADOPTED AS RESOLUTION R-290531

A Resolution adopted by the City Council in Closed Session
on July 28, 1998:

Authorizing the City Manager to pay the sum of \$30,000.00 in
the settlement of each and every claim against The City of
San Diego, its agents and employees resulting from personal
injuries to William B. Morris; authorizing the City Auditor
and Comptroller to issue one check in the amount of
\$30,000.00, made payable to William B. Morris, in full
settlement of all claims.

Aud. Cert. 9900069

FILE LOCATION: MEET

ITEM-CS-2: (R-99-185) ADOPTED AS RESOLUTION R-290532

A Resolution adopted by the City Council in Closed Session
on July 28, 1998:

Authorizing the City Manager to pay the sum of \$75,000.00 in
the settlement of each and every claim against The City of
San Diego, its agents and employees resulting from property
damage to First United Methodist Church; authorizing the
City Auditor and Comptroller to issue one check to Midwest
Mutual Insurance Company and its attorney of record, Lewis,
D'Amarto, Brisbois & Bisgaard, in the amount of \$75,000.00,
made payable to Midwest Mutual Insurance Company, and its
attorney of record, Lewis, D'Amarto, Brisbois & Bisgaard, in
full settlement of all claims.

Aud. Cert. 9900072

FILE LOCATION: MEET

ITEM-CS-3: (R-99-188) ADOPTED AS RESOLUTION R-290618

A Resolution adopted by the City Council in Closed Session
on July 28, 1998:

Authorizing the City Attorney to enter into the attached
Stipulation For Entry of Judgment in Superior Court Case No.
696935, CAUSE, et al. V. City of San Diego.

Aud. Cert. Not Applicable

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 3:53 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F079.)